IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 18th day of February, 2005
Bail Application no. 84 of 2005
Order on the bail application of accused

CRIMINAL SIDE

Santosh @ Chhotu
S/o Sri Ram Lal
R/o Bhawaniganj Ramnagar
Police Station - Ramnagar
District – Nainital .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of Case Crime No. 649 of 2004
U/Ss 302/394 of I.P.C.
Police Station - Ramnagar
District - Nainital

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 649 of 2004, U/Ss 302/394 of I.P.C., Police Station – Ramnagar, District – Nainital.

Heard Sri Afsar Ali Khan, learned counsel for the applicant, learned A.G.A. and perused the record.

The record shows that the case rests on circumstantial evidence. The applicant is not named in the F.I.R. A perusal of the statement of the complainant Nizam Khan u/s 161 Cr. P.C. shows that he has also not witnessed the actual incident.

Earlier Sundar Lal has also been granted bail by this court. On the ground of parity, the applicant is also entitled to be released on bail.

Considering the aforesaid circumstance, I think it would be just and proper to release the applicant on bail at this stage.

Let the applicant Santosh @ Chhotu be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

February 18, 2005
Shiv